

**HOUSE BILL ANALYSIS**  
**SB 5092**

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**Title:** An act relating to disarming a law enforcement officer.

**Brief Description:** Penalizing disarming a law enforcement officer.

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senators Roach, Swecker, Zarelli, Schow, Hochstatter, Bauer, McCaslin, Oke, and Long).

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**HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS**

**Hearing Date:** February 20, 1998.

**Prepared By:** Mark G. Hamilton, Counsel (786-7310).

**Background:** Although no statute specifically criminalizes disarming a law enforcement officer performing his or her duties, a person who does so may be charged with a variety of crimes if the person assaults, attacks, or kills a law enforcement or corrections officer, or obstructs or interferes with the officer's performance of official duties.

**Summary:** *Crime of Disarming a Law Enforcement Officer.* A new crime of disarming a law enforcement is established. A person commits this crime if, with the intent to interfere with the officer's duties, the person knowingly (1) removes a firearm or other weapon from a law enforcement or corrections officer, or (2) deprives the officer of the use of the weapon, when the officer is performing official duties, does not consent to the removal, and the person knows, or has reasonable cause to know, that the individual is a law enforcement or corrections officer.

*Penalty.* Disarming a law enforcement or corrections officer is a class C felony unless the firearm is discharged when the person removes it, in which case the offense is a class B felony.

*Concurrent Crimes Prosecutable.* A person who commits the crime of disarming a law enforcement or corrections officer may be charged with other applicable crimes committed while disarming the officer, and those offenses may be prosecuted separately from the charge of disarming a law enforcement officer.

*Exception.* The crime does not apply if the officer is engaged in felonious conduct.

(New Sections — added to chapter 9A.76 RCW.)

**Rules Authority:** No.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.